

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

D'ANGELO MARQUEZ JENKINS,)
)
Plaintiff,)
)
v.) Civil No. 3:09-1010
)
MONTGOMERY COUNTY,) Judge Trauger
)
Defendant.) Magistrate Judge Bryant
)

O R D E R

On October 28, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 46), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it hereby **ORDERED** that the plaintiff's Motion To Amend (Docket No. 26) is **GRANTED**, except as to the naming of the Montgomery County Jail Mail Room as a defendant. It is further **ORDERED** that all claims against Montgomery County and against defendants Weatherbee and Armstrong in their official capacities are **DISMISSED** pursuant to 28 U.S.C. § 1915(A)(b)(1), for failure to state a claim upon which relief may be granted.

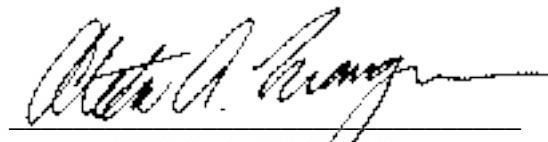
It is further **ORDERED** that the plaintiff's "Motion to Add a Defendant" (Docket No. 52), is **GRANTED**. The court construes this motion as an attempt to add as named defendants John Does 1, 2 and 3, the names of whom he will learn during the discovery process. These are the three individuals against whom the plaintiff has been attempting to assert a claim regarding

the opening of his legal mail, which claim remains in the case lodged at the moment only against the John Does.

This case is returned to the Magistrate Judge for further handling.

It is so **ORDERED**.

ENTER this 25th day of November 20009.



Aleta A. Trauger
U.S. District Judge